

Plaintiff brings this action under 28 U.S.C. §§ 1331, 1346 and 1355 to recover personal property seized by the City of St. Louis Police Department. Plaintiff alleges that the Department seized his car, which has a value of \$1,500.

First, the Court does not have jurisdiction over this case under § 1346 because the United States has not been named as defendant and because there are no allegations that the United States seized plaintiff's property.

Second, the Court does not have jurisdiction under § 1355 because that section “extends only to suits by a public officer to recover a sum of money that will be paid into the public treasury . . .” 13B Wright & Miller, Federal Practice and Procedure § 3578 (2007).

Finally, the Court does not have jurisdiction under 28 U.S.C. § 1331 because there is no federal question at issue. This is because there is no cause of action under 42 U.S.C. § 1983 for unconstitutional taking of personal property where the state provides an adequate postdeprivation remedy. E.g., Clark v. Kansas City Missouri School Dist., 375 F.3d 698, 703 (8th Cir. 2004). Missouri provides the postdeprivation remedy of replevin for recovery of personal property. Id.; Mo. R. Civ. P. 99.01 - 99.15.

Because the Court does not have jurisdiction over this case, it will be dismissed pursuant to 28 U.S.C. § 1915(e) and Fed. R. Civ. P. 12(h)(3).

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion to proceed in forma pauperis [#2] is **GRANTED**.

**IT IS FURTHER ORDERED** that the Clerk shall not issue process or cause process to issue on the complaint because it is legally frivolous. 28 U.S.C. § 1915(e).

An Order of Dismissal will accompany this Memorandum and Order.

Dated this 3rd day of January, 2008.

  
UNITED STATES DISTRICT JUDGE